

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TAHIRAH CARTER

v.

UNITED STATES OF AMERICA

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Civil No. – JFM-12-1986
Criminal No. JFM-10-0493

MEMORANDUM

Tahirah Carter has filed a motion under 28 U.S.C. §2255. She previously pled guilty to conspiring to distribute more than 30 kilograms of heroin and she was sentenced to a 135 month term of imprisonment. Carter’s motion will be denied.

Carter complains that her counsel failed to investigate adequately the “only plausible line of defense” that she had. Carter does not specify or clarify in any way what that “line of defense” was. Thus, she has not established that her counsel was ineffective.

Next, Carter claims that her counsel was ineffective in negotiating her plea agreement. In the plea agreement and during the Rule 11 colloquy Carter said that she was satisfied with the services rendered to her by her counsel. Again, Carter has not come forward with any proffer to show that her counsel was ineffective in negotiating the plea agreement.

Carter, who unsuccessfully appealed her judgment and sentence to the Fourth Circuit, apparently is upset that she did not receive all of the downward points for departure based upon her cooperation that she believes she should have received. The record establishes, however, that the reason that Carter did not receive the full benefit of her plea agreement was that she insisted that she be released prior to the trial of her co-defendant and stated she would not testify

unless she was released. Her release was not a negotiated term of the plea agreement, however, and the Government concluded that this unilateral demand would have undermined her credibility as a witness. Therefore, although Carter did receive some credit for the cooperation she had given, the Government did not unreservedly “come to bat” for her at the sentencing.

Carter raises various other issues other than her ineffective assistance of counsel claim but these issues were previously raised by her on direct appeal and were rejected by the Fourth Circuit.

A separate order denying Carter’s motion is being entered herewith.

Date: September 26, 2012

/s/
J. Frederick Motz
United States District Judge